

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, Individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

RIOT BLOCKCHAIN, INC. F/K/A,
BIOPTIX, INC., JOHN O'ROURKE,
and JEFFREY G. McGONEGAL,
BARRY HONIG, CATHERINE
DEFRANCESCO, MICHAEL
BEEGHLEY, JOHN STETSON,
MARK GROUSSMAN, ANDREW
KAPLAN, MIKE DAI, JASON LES,
and ERIC SO,

Defendants.

Civil No. 3:18-CV-02293 (FLW)(TJB)

**[PROPOSED] ORDER GRANTING
DIRECTOR DEFENDANTS'
MOTION TO DISMISS THE
CORRECTED CONSOLIDATED
AMENDED CLASS ACTION
COMPLAINT FOR VIOLATION
OF THE FEDERAL SECURITIES
LAWS**

Defendants Andrew Kaplan, Eric So, and Jason Les (collectively, the “Director Defendants”) Joinder and Motion to Dismiss (the “Motion”) Lead Plaintiff Dr. Stanley Golovac’s (“Lead Plaintiff”) Corrected Consolidated Amended Class Action Complaint was heard on November 4, 2019, in Room 5E of the above-captioned Court.

Having heard and considered all of the pleadings and records on file, and all papers in support of and in opposition to the Motion, and good cause appearing therefore,

IT IS HEREBY ORDERED THAT:

1. The Director Defendants’ Motion is GRANTED in its entirety.
2. Lead Plaintiff’s First Cause of Action for Violation of Section 10(b) of the Exchange Act and Rule 10b-5 is dismissed with prejudice for failure to state facts sufficient to constitute a cause of action.
3. Lead Plaintiff’s Second Cause of Action for Violation of Section 10(b) of the Exchange Act and Rule 10b-5(a) and (c) is dismissed as to the Director Defendants with prejudice for failure to state facts sufficient to constitute a cause of action.
4. Lead Plaintiff’s Third Cause of Action for Violation of Section 20(a) of the Exchange Act is dismissed with prejudice for failure to state facts sufficient to constitute a cause of action.

IT IS SO ORDERED.

Dated: _____

Hon. Freda L. Wolfson